

**In the Court of Rajwinder Kaur,
Additional Sessions Judge, Kapurthala
(UID No.PB0121)**

CNR No.
PBKP010029752020



Case No. BA/1418/2020

Presented on : 21-07-2020

Registered on : 22-07-2020

Date of Order : 07-08-2020

Next Date : 13-08-2020

1. ***Harjinder Singh @ Ghuga***, aged about 20 years, son of Balwinder Singh, resident of Kotla Gujran, PO Chak Sharif, Tehsil and District Gurdaspur also resident of VPO Marri Buchian, Tehsil Shri Hargobindpur (Batala), District Gurdaspur.
2. ***Manpreet Singh @ Raja***, aged about 23 years, son of Sukhwinder Singh @ Manga Singh, resident of VPO Marri Buchian, Tehsil Shri Hargobindpur(Batala), District Gurdaspur.

.....Applicants-accused

Versus

State of Punjab.

.....Respondent

FIR No. 59 dated 04.06.2020
Under section: 366,363,120-B IPC
Police Station: Begowal,
District Kapurthala

Application for bail under Section 438 Cr.P.C.

Present: **Shri Balwinder Singh Thappar**, Advocate, for
applicant/ accused through V.C.
Ms. Chetna, learned Addl. PP for State.

ORDER

1. Harjinder Singh @ Ghuga and Manpreet Singh @ Raja (*accused-applicants*) filed instant application for bail under Section 438 Cr.P.C., by submitting that they have nothing to do with the said offence. Girl/*victimXXXX* (name withheld) daughter of complainant, who is major, was having love affair with applicant/accused No.1, and due to that reason she solemnized marriage with him with her own free wish & consent. Complainant has falsely implicated applicants/accused in this case after concocting a false story. Being law abiding citizens, they are ready to join investigation, if the directions be issued to Investigating Officer/Arresting Officer/SHO concerned, that in the event of their arrest, they be released on bail. (*Application is duly supported with affidavit*).

2. Upon notice, learned Additional Public Prosecutor, for the State has appeared, no reply has been filed, but he orally contested the same.

3. Police record produced perused.

4. I have heard learned counsel for the applicants-accused and learned Additional Public Prosecutor for the State duly assisted by *ASI Harpal Singh, No.531 JR, Police Station Begowal*, and have perused the record.

5. **Joga Singh** (complainant/father of victim) son of **Massa Singh**, suffered a statement to the effect that on 2.6.2020 at about 6.30 p.m. his daughter **victimXXXX** (name withheld), aged about 19 years (DOB 01.09.2001) went to village shop in order to bring grocery but did not return. They kept on searching her, but remained clueless. They are of full belief that **victimXXXX** (name withheld) had been enticed away by **Ghuga Singh** son of Balwinder Singh in connivance with **Manpreet Singh @ Raja** son of Manga Singh, with intention to marry her. Thus, instant case under sections **366,363,120-B IPC** was got registered against accused.

6. During investigation, **victimXXXX** (name withheld) appeared before the Investigation officer at her own. She was produced before the court of learned Judicial Magistrate Ist Class, Kapurthala where she got recorded statement under section 164 Cr.PC.

7. **Shri Balwinder Singh Thappar**, Advocate, learned counsel for the applicant/accused vehemently argued that allegations levelled by complainant are totally false. True facts are that daughter of complainant (**victimXXXX**-name withheld) was having love affair with Harjinder Singh (applicant/accused No.1), and they both solemnized marriage. Apprehending threat to their life and liberty, they filed **CRM No. 246** of **2010** in the court of learned **Addl.Sessions Judge, Gurdaspur** whereby **interim** protection to their life and liberty was **granted** vide **Order dated 9.6.2020** and said petition is pending for 27.08.2020. Now, by twisting the facts, as complainant was not in agreement to the wishes of victim, got **Rajwinder Kaur, Additional Sessions Judge, Kapurthala UID No.PB0121**

registered a false case. ***Manpreet Singh @ Raja***(applicant No.2/accused) has nothing to do with the said offence. Thus, no offence is made out against accused persons and, prayed for pre-arrest bail.

7. On the other hand, ***Ms. Chetna***, learned Addl.PP for the State has fairly conceded that *victimXXXX (name withheld)* is aged about **19 years**. She herself appeared before the investigating officer, and admitted that she wilfully accompanied ***Harjinder Singh @ Ghuga (applicant No.1/accused)***, and ***Manpreet Singh (applicant No.2/accused)*** has nothing to do with the said offence. She was never kidnapped by any person.

8. After having considering submissions put forth by learned counsel for both the parties, and keeping in view the allegations and counter allegations, coupled with the statement suffered by *victimXXXX (name withheld)* under section 164 Cr.PC, without commenting upon the facts of the case, ***Harjinder Singh @ Ghuga*** and ***Manpreet Singh @ Raja (applicants/accused)*** are **allowed** to join the investigation **within five days**, and on their doing so, they shall be released on **bail** to the satisfaction of Investigating Officer/Arresting Officer/SHO concerned, subject to the compliance of the following conditions:-

1. That the applicants shall join the investigation as and when required by the police.
2. That the applicants shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade

him from disclosing such facts to the court or to any Police Officer.

3. That the applicants shall not leave India without prior permission of the court.

9. Copy of this order be sent to the concerned quarters for compliance. Record be produced on *13-08-2020*.

Pronounced.

Dated:-07-08-2020

(Nirlep Kaur)

(Rajwinder Kaur)

***Additional Sessions Judge,
Kapurthala(UID NO.PB0121)***